THE HON'BLE SRI JUSTICE N.V. RAMANA

Writ Petition No.935 of 2000

Dated: 28.12.2005

Between

P. Srinivas, s/o late P. Pochaiah, resident of 3-117/1,

Machabolaram, Secunderabad.

Petitioner

And

The A.P. State Road Transport Corporation, Rangareddy Region, I.B.S., Hyderabad, rep. by its Regional Manager/Personnel Officer and others.

Respondents.

THE HON'BLE SRI JUSTICE N.V. RAMANA

–

Writ Petition No.935 of 2000

Order:

This writ petition is filed seeking to set aside the proceedings of respondent No.1 in APSRTC No.P6/684(3)/98-RR, dated 31.07.1999 in rejecting the claim of the petitioner for appointment on compassionate grounds and suggesting to avail the additional monetary benefits.

The father of the petitioner, by name P. Pochaiah, who was working as Coach Builder in respondent-Corporation, died in harness on 06.11.1995. Subsequently,

the petitioner submitted an application to the respondent-Corporation for the post of cleaner on compassionate grounds. While so, the first respondent, vide proceedings No. P6/684(3)/98-RR, dated 31.07.1999, deleted the name of the petitioner from the list of candidates eligible for appointment on compassionate grounds on the ground that the petitioner has not attained the minimum age of 21 years for the post of "Conductor" within the stipulated period of three years and advised the petitioner to avail additional monetary benefit in lieu of employment by submitting an application to the Depot Manager concerned. Hence, the present writ petition.

Heard the learned counsel for the petitioner. None appeared for the respondent-Corporation.

The grievance of the petitioner is that he is eligible to be appointed as Cleaner and in fact he has applied for the post of Cleaner and that there was no ban operating for the post of Cleaner. The specific stand of the petitioner is that he has never applied for the posts of Conductor, Attender and Sweeper, and the respondent-Corporation committed procedural irregularity in considering his case for the post of Conductor Grade-II, Attender and Sweeper instead of Cleaner. The further grievance of the petitioner is that though he has applied for compassionate appointment within the prescribed time limit, but the respondent-Corporation did not consider his application and kept it pending until it was rejected on the ground that it should have been made within three years from the date of death of his father. He, thus, prayed that the impugned proceedings be set aside and the writ petition allowed.

Though the writ petition was admitted on 27.01.2000, no counter affidavit is filed by the respondent-Corporation denying the averments made by the petitioner in the affidavit filed in support of the writ petition, so far. Further, when the matter is taken up for hearing today, none appears for the respondent-Corporation, nor is there any representation made on its behalf. It is very unfortunate to note that though the writ petition was admitted in January 2000, till date the respondent-Corporation has not chosen to file counter affidavit in the matter, and no purpose would be served in keeping the writ petition pending any further. In the absence of any counter filed by the respondent-Corporation rebutting the allegations made in the affidavit filed in support of the writ petition, this Court has no other alternative, except to presume that the averments made in the writ petition, are true and correct, and the petitioner is entitled for the relief sought in the present writ petition.

Accordingly, the writ petition is allowed directing the respondent-Corporation to consider the case of the petitioner for the post of “Cleaner” under compassionate appointment and to pass appropriate speaking orders in accordance with law, as expeditiously as possible.

_____

N.V. RAMANA, J.

Date: 28.12.2005

Tvk/Nsr